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APPLICATION OF CRYSTAL CLEAR  
SPECIAL UTILITY DISTRICT FOR A  
NAME CHANGE AND TO AMEND ITS  
SEWER CERTIFICATE OF  
OF CONVENIENCE AND NECESSITY  
IN COMAL, HAYS AND GUADALUPE  
COUNTIES

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BEFORE THE PUBLIC UTILITY

PUBLIC UTILITY COMMISSION  
FILING CLERK

COMMISSION OF TEXAS

**CITY OF SAN MARCOS' MOTION TO INTERVENE**

COMES NOW the City of San Marcos, Texas ("City") and files this Notice of Appearance, Motion to Intervene and Request for Hearing ("Motion") in the above-referenced docket involving an amendment to a sewer certificate of convenience and necessity ("CCN") application ("Application") by Crystal Clear Special Utility District ("Applicant" or "Crystal Clear") and in support of the City's Motion, the City would show as follows:

**I. Notice of Appearance**

1. Arturo D. Rodriguez, Jr., pursuant to PUC Proc. R. 22.101(a) hereby enters an appearance as counsel on behalf of the City in this docket. Accordingly, documents filed in this case, orders, service, and correspondence to the City should be directed to:

Arturo D. Rodriguez, Jr.  
Russell Rodriguez Hyde Bullock, LLP  
1633 Williams Drive, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)  
Email: arodriguez@txlocalgovlaw.com

**II. Motion to Intervene**

2. On September 3, 2019, the Applicant filed the Application.
3. The Applicant alleges that notice was mailed to the City on or about January 10, 2019.
4. Order No. 4 in this docket established a 30-day deadline after notice issuance for motions to intervene.
5. This Motion is timely filed.

6. The City seeks party or Intervenor status and is an “affected person” with respect to this docket in that the City is a “retail public utility affected by [the requested] action of the regulatory authority.”<sup>1</sup> A portion of the proposed service area sought by Applicant is located within the City’s extraterritorial jurisdiction (“ETJ”) and directly borders the City’s corporate limits. This can be seen on the map provided by Applicant in Attachment D, Map V of the Application. Although not demonstrated on the Application posted on the PUC’s Interchange Filing System, there is a second requested service area within the City’s ETJ.

7. The City is a home-rule municipality with water and wastewater utilities. The City holds a wastewater permit (Permit No. WQ0010273-02) which authorizes a discharge of treated domestic wastewater to a total of nine million gallons per day.

8. The City has existing collection lines and force mains bordering or within near proximity to the area sought for certification in the Application. As such, if the Application is granted, the City will no longer have the opportunity to respond to neighboring or nearby landowner requests if they wish to seek service from the City instead of the Applicant. This inability to provide service to an area provides the City with the necessary justiciable interest to be named a party in this proceeding.

9. The Applicant must demonstrate the effect of the CCN on neighboring retail public utilities providing the same service within two miles of the requested service area. The City has a justiciable interest as the City is negatively affected by allowing the CCN be amended as requested by the Applicant.

10. The City has expended significant public funds to provide reliable, continuous, and adequate service within close proximity to the requested service area. Further, the City has planned for service to the proposed service area.

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<sup>1</sup> TEX. WATER CODE (“TWC”) § 13.002(1); 16 TEX. ADMIN. CODE (“TAC”) § 24.3(5).  
CITY OF SAN MARCOS MOTION TO INTERVENE

11. The Application does not fully consider the impact on other utilities like the City serving proximate areas or the feasibility of landowners obtaining service from those providers.

12. The City has not been provided with a copy of the Application and may have additional concerns. However, the City is doubtless an affected person, has a justiciable interest, and is entitled to intervene in this proceeding.

### **III. Request for Hearing**

13. Based on the concerns above, which may not be inclusive of all relevant concerns, the City requests a hearing on the Application for the purpose of addressing the Application. The City requests that the Applicant provide strict proof of its assertions in the Application. A hearing would assist the Commission and other interested parties in determining whether the Application should be granted, granted with modifications, or denied.

### **IV. Conclusion and Prayer**

The City respectfully requests the Commission:

- (1) Grant the City's Motion to Intervene and Request for Hearing and recognize it as a full party to this proceeding.
- (2) Grant the City all other and further relief to which it is justly entitled.

Respectfully submitted,

**Russell Rodriguez Hyde Bullock LLP**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR THE CITY OF SAN  
MARCOS**

## CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January 2020, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to all counsel of record.

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.

Creighton R. McMurray  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

Mike Taylor  
Michael L. Cox  
M&S Engineering  
2370 FM 1979  
San Marcos, Texas 78666  
(830) 372-1031  
miket@crystalclearsud.org